

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	Crim. No. 15-cr-10271-WGY
)	
ALEX LEVIN)	
_____)	

DEFENDANT'S MOTION FOR AMENDMENT OF CONDITIONS OF RELEASE

The defendant, Alex Levin, moves pursuant to 18 U.S.C. § 3145(a)(2) that this Court amend the conditions of release ordered by this Court on May 12, 2016 (Dkt. 85) by extending the defendant's curfew from 8 p.m. to 9 p.m. As grounds therefore, the defendant states the following:

On April 20, 2016, this Court allowed the Defendant's Motion to Suppress Evidence. (Dkt. 69). The Court also denied the prosecution's Motion for Reconsideration. (Dkt. 88). The prosecution filed a notice of appeal on May 17, 2016, and the case was transferred to the jurisdiction of the First Circuit Court of Appeals. (Dkt. 89, 91).¹

The defendant takes his nine-year-old daughter to dinner after her Hebrew School twice a week, and after her Russian math school lessons once a week. Hebrew School ends at 6 p.m., and

¹ The Defendant's Motion to Transfer Limited Jurisdiction of Case to District Court for Purpose of Motion to Revise Bail Conditions was granted on August 24, 2016, and is submitted with this motion.

the math lessons end at 6:30 p.m. This leaves ninety minutes, maximum, for the defendant to pick up his daughter, drive her to a restaurant, have the meal, drive her home, and get himself home on nights when his daughter has math lessons.

The defendant was incarcerated from August 12, 2015, until the Magistrate Judge ordered his release on April 26, 2016. He did not see his daughter, with whom he shares a close relationship, for that entire period and he is making up for lost time with her. The District Court amended the conditions of release on May 12, 2016, by deleting house arrest and imposing a curfew from 8:00 p.m. to 7:00 a.m.

Further, the defendant is seeking employment, and second shift work positions are from noon until 8 or 8:30 p.m. The requested extension until 9 p.m. would allow the defendant to be eligible for these jobs.

The defendant's other conditions of release: report to Pretrial Services; remain in Massachusetts; maintain residence and do not move without prior Pretrial Services approval; refrain from excessive use of alcohol; refrain from drug use; submit to random alcohol and drug testing; submit to location monitoring with a GPS ankle bracelet; no internet use; no unsupervised contact with children under 18 except his daughter; and no use of his residence's pool or playground, would remain in place.

The prosecution, through Assistant U.S. Attorney David Tobin, does not oppose this motion. Pretrial Services, through Probation Officer Christopher Moriarty, assents to this motion.

WHEREFORE, the defendant moves that this Court amend the conditions of his release by extending his curfew one hour from 8 p.m. to 9 p.m.

ALEX LEVIN
By His Attorneys,

CARNEY & ASSOCIATES

J. W. Carney, Jr.

J. W. Carney, Jr.
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August 25, 2016

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

J. W. Carney, Jr.

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AFFIDAVIT SUPPORTING
DEFENDANT'S MOTION FOR AMENDMENT OF CONDITIONS OF RELEASE

I, J. W. Carney, Jr., state that the facts contained in the attached motion are true to the best of my information and belief.

Signed under the penalties of perjury.

J. W. Carney, Jr.
J. W. Carney, Jr.

August 25, 2016